

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

THOMAS E. HIGGINSON,

Plaintiff,

No. C 19-01647 WHA

v.

ALTERNATIVE RECOVERY  
MANAGEMENT, INC.,

**ORDER RE REQUEST FROM  
PLAINTIFF'S COUNSEL**

Defendant.

The clerk is in receipt of plaintiff's counsel's emailing stating that "[t]oday, the parties will be filing a stipulation of dismissal without prejudice to convert in 45 days." The judge has learned the hard way that voluntary dismissals with strings attached are too problematic. Half of the time, the contingencies are not met and the supposedly dismissed case comes back to life. Plaintiff is free to dismiss the case with all of the attendant consequences, but he cannot dismiss the case and leave the door open to re-file it if the settlement craters. Accordingly, until a flat out dismissal is filed, the order to show cause hearing on August 8 will remain on calendar.

**IT IS SO ORDERED.**

Dated: July 25, 2019.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE